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PTO/SB/30 (05-03)

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**Request  
For  
Continued Examination (RCE)  
Transmittal**Address to:  
Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Application Number	09/365,081
Filing Date	July 30, 1999
First Named Inventor	Bengston et al.
Art Unit	2664
Examiner Name	C. Shah
Attorney Docket Number	RIC99030

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

- a. ☒ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

- i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_  
ii. ☐ Other \_\_\_\_\_

- b. ☒ Enclosed

- i. ☐ Amendment/Reply

- ii. ☐ Affidavit(s) Declaration(s)

- iii. ☒ Information Disclosure Statement (IDS)

- iv. ☐ Other \_\_\_\_\_

2. **Miscellaneous**

- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)  
b. ☒ Other PTO-1449 Form (4 Pages) and 80 References

3. **Fees**

The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

The Director is hereby authorized to charge the following fees, or credit any overpayments, to

- a. ☒ Deposit Account No. 13-2491  
i. ☒ RCE fee required under 37 CFR 1.17(e)  
ii. ☒ Extension of time fee (37 CFR 1.136 and 1.17)  
iii. ☐ Other \_\_\_\_\_  
b. ☐ Check in the amount of \$ \_\_\_\_\_ enclosed  
c. ☐ Payment by credit card (Form PTO-2038 enclosed)

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Name (Print/Type)	Michael A. Vreth	Registration No. (Attorney/Agent)	42,237
Signature	<i>Michael A. Vreth</i>	Date	11/2/03

**CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print/Type)	Pania Butcher
Signature	<i>Pania Butcher</i>
Date	11-2-03

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



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## ***FAX TRANSMITTAL FORM***

**DATE:** March 1, 2004  
**TO:** Examiner Shah  
U.S. Patent and Trademark Office  
**FAX:** 703.746.9235  
**FROM:** Eden Stright  
**RE:** Application No. 09/365,081

Total number of pages (including cover sheet): 3

If transmission is incomplete, please call (202) 736-6008.

### ***COMMENTS:***

Per your request, attached herewith is a copy of the Request for Continued Examination and its date-stamped postcard. If you need anything further, please give me a call at 202.736.6008.

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Applicant(s): Bengston et al.  
Serial No.: 09/365,081  
Filed: 4/30, 1999  
Title: Method for Monitoring Spare Capacity  
of a DRA Network

Confirmation No.: 1345  
Art Unit: 2664  
Examiner: S. Shah  
Docket No.: RIC99030

Attached herewith is a copy of the following:

1. Request for Continued Examination;
2. Information Disclosure Statement;
3. PTO-1449 (4 pages); and
4. 80 References.



**MAILING CERTIFICATE UNDER 37 C.F.R. §1.616**

I hereby certify that the correspondence cited hereon is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 on 11/12/03

*Patricia Butcher*  
Patricia Butcher

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